

assistance in the event of an engine malfunction. The exemption does not change FMCSA's vehicle maintenance requirements in 49 CFR part 396, including that every motor carrier must systematically inspect, repair, and maintain all vehicles (§ 396.3) and that unsafe operations of a motor vehicle are forbidden (§ 396.7). Any state or local school bus inspection maintenance standards would continue to apply under this exemption. In response to concerns from the Minnesota DPS and Iowa DOT, FMCSA notes that use of the exemption is optional for states. A state may elect to continue to require all CDL applicants to meet the requirements of 49 CFR 383.113(a)(1)(i).

As a part of the exemption, the State Driver Licensing Agency (SDLA) must, upon request by FMCSA, provide the Agency with the names and CDL numbers of the drivers who were issued a CDL pursuant to the terms of the exemption.

For the above reasons, NSTA's exemption application is granted.

## VII. Terms and Conditions of the Exemption

This exemption covers states for the period beginning at 12:00 a.m. (ET) on *November 27, 2022 and continuing through 11:59 p.m. on November 27, 2022*. Under this exemption, a state may, but is not required to, waive the engine compartment portion of the pre-trip vehicle inspection skills test, set forth in 49 CFR 383.113(a)(1)(i), only for CDL applicants seeking the S and P endorsements, subject to the (K) restriction limiting their operation to intrastate commerce. States issuing CDLs pursuant to this exemption are not subject to the requirement in 49 CFR 383.133(c)(1) that this portion of the pre-trip vehicle inspection test be administered in accordance with an FMCSA pre-approved examiner information manual.

FMCSA intends to continue to closely monitor the safety impacts of the relief granted under this exemption. As necessary, FMCSA may take action to modify the exemption, including scaling back the regulatory relief provided, or to terminate the exemption sooner, if conditions warrant.

States issuing CDLs pursuant to this exemption must abide by the following terms and conditions:

1. The CDL credential must conform to the requirements of Part 383, subpart J.

2. When issuing a K-restricted CDL with the S and P endorsements pursuant to this exemption, states must continue to comply with the applicable provisions set forth in 49 CFR 383.73.

3. When issuing a K-restricted CDL with the S and P endorsements pursuant to this exemption, states must place a school bus only restriction on the CDL in accordance with 49 CFR 383.153(a)(10)(ix).

4. States must conduct the remaining pre-trip vehicle inspection components of the skills test for drivers subject to this exemption, as set forth in 49 CFR 383.113(a)(1)(ii–ix).

5. Upon request from FMCSA, the SDLA must provide the names and CDL numbers of drivers who issued a CDL pursuant to the terms of this exemption, as authorized by 49 CFR 383.73(h) and 384.225(e)(2).

6. This exemption applies only to the intrastate operation of school buses used to transport students from home to school, from school to home, or to and from school-sponsored events, as defined in 49 CFR 383.5.<sup>1</sup>

7. FMCSA reserves the right to revoke this exemption for drivers' involvement in accidents, the failure of states or drivers to comply with the terms of this exemption, or as circumstances otherwise warrant.

**Robin Hutcheson,**  
*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2007-28952]

#### Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 29, 2022, Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 232 (Brake System Safety Standards for Freight and Other Non-passenger Trains and Equipment; End of Train Devices). The relevant FRA Docket Number is FRA-2007-28952.

Specifically, UP requests a waiver extension from 49 CFR 232.205, *Class 1 brake test—initial terminal inspection*,

<sup>1</sup> 49 CFR 383.5 defines "school bus" as "a CMV used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include operations of a for-hire motor carrier."

and certain provisions of part 215 related to the inspection of trains entering the United States from Mexico at Eagle Pass, Texas. UP seeks to continue to move trains received in interchange with Ferrocarriles Nacionales de Mexico (FXE) approximately 4.8 miles north of Eagle Pass, Texas, to the facility at Clarks Park, Texas, before an initial terminal air brake test is performed. UP stated in its 2007 petition<sup>1</sup> that the relief would "expedite train movements and avoid blockages of crossings in Eagle Pass." UP asserts that it has "been operating under the requirements set forth in the waiver for the past fourteen years and no adverse effect on the safety of operations has occurred."

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications are requested by December 27, 2022. Comments received after that date will be considered if practicable. FRA reserves the right to extend the existing relief subject to subsequent consideration of any comments submitted to the docket.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at

<sup>1</sup> <https://www.regulations.gov/document/FRA-2007-28952-0001>.

<https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov).

Issued in Washington, DC.

**Carolyn Hayward-Williams,**

*Director, Office of Railroad Systems and Technology.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2001-8697]

#### Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on July 29, 2022, Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 232 (Brake System Safety Standards for Freight and Other Non-passenger Trains and Equipment; End of Train Devices). The relevant FRA Docket Number is FRA-2001-8697.

Specifically, UP requests a waiver extension from 49 CFR 232.205, *Class 1 brake test—initial terminal inspection*, and certain provisions of part 215 related to the inspection of trains entering the United States from Mexico at Nogales, Arizona. UP seeks to continue to move trains received in interchange with Ferrocarriles Nacionales de Mexico approximately 8 miles north of Nogales, Arizona, to the siding at Rio, Arizona, before an initial terminal air brake test is performed. UP stated in its initial 2001 petition<sup>1</sup> that the relief prevents “blockages of key street crossings within the City of Nogales for considerable lengths of time.” In its 2022 petition, UP asserts that it has “been operating under the requirements set forth in the waiver for the past twenty-one years and no adverse effect on the safety of operations has occurred.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or

<sup>1</sup> <https://www.regulations.gov/document/FRA-2001-8697-0001>.

comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications are requested by December 27, 2022. Comments received after that date will be considered if practicable. FRA reserves the right to extend the existing relief subject to subsequent consideration of any comments submitted to the docket.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov).

Issued in Washington, DC.

**Carolyn Hayward-Williams,**

*Director, Office of Railroad Systems and Technology.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA-2007-28339]

#### Petition for Extension of Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on August 1, 2022, Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of

the Federal railroad safety regulations contained at 49 CFR parts 215 (Railroad Freight Car Safety Standards) and 232 (Brake System Safety Standards for Freight and Other Non-passenger Trains and Equipment; End of Train Devices). The relevant FRA Docket Number is FRA-2007-28339.

Specifically, UP requests a waiver extension from 49 CFR 232.205, *Class 1 brake test—initial terminal inspection*, and certain provisions of part 215 related to the inspection of trains entering the United States from Mexico at Laredo, Texas. UP seeks to continue to move trains received in interchange with Kansas City Southern de Mexico approximately 11.6 miles to the yard at Port Laredo, Texas, before an initial terminal air brake test is performed. UP asserts that it has “been operating under the requirements set forth in the waiver for the past fourteen years and no adverse effect on the safety of operations has occurred.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications are requested by December 27, 2022. Comments received after that date will be considered if practicable. FRA reserves the right to extend the existing relief subject to subsequent consideration of any comments submitted to the docket.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to